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1 Riverside Plaza
Columbus, OH 43215-2372
June 18, 2003
614-223-1000

VIA OVERNIGHT MAIL

Gwendolyn S. Massenburg
Remedial Project Manager
U. S. Environmental Protection Agency
77 West Jackson Boulevard (SR-6J)
Chicago, Illinois 60604

Kevin D. Mack
Environmental Counsel
614/716-1642 (P)
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kdmack@aep.com

RE: Himco Site General Notice of Liability, Dated May 29, 2003

Dear Ms. Massenburg:

Indiana Michigan Power Company received three separate copies of the May 29, 2003 U.S EPA General Notice of Liability for the Himco CERCLA Site, Elkhart, Indiana. These three locations are identified on the 5/23/2003 Himco PRP list which was attached to the General Notice as :

- 1) Indiana & Michigan Power Co., P.O. Box 580, Elkhart, Indiana 46515. This is the former address of the Indiana Michigan Power Company office in Elkhart.
- 2) Indiana Michigan Power , 23333 U.S.20, Elkhart, IN 46514. This is the former County address for the Indiana Michigan Power Company service center which is now considered part of the city of Elkhart, using the street address 3340 Old U.S. 20 East.
- 3) Indiana Michigan Power Company, One Summit Square, P.O. Box 60, Fort Wayne, IN, 46801. This address was the former corporate headquarters of Indiana Michigan Power Company. In May, 2001, the corporate headquarters of Indiana Michigan Power Company were changed to 1 Riverside Plaza, Columbus, Ohio 43215. NOTE: Although the address of the corporation has been changed, the essential corporate structure is unchanged and Indiana Michigan Power Company remains a fully functioning corporation and a wholly owned subsidiary of American Electric Power Company, Inc.

I hope this clarifies that there is only one corporate entity named Indiana Michigan Power Company. Please send any future correspondence regarding Indiana Michigan Power Company's alleged liability for the Himco Site to my attention at the address identified on this letterhead.

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As stated in Indiana Michigan Power Company's May 22, 1989 CERCLA §104(e) response, the company conducted a diligent investigation and found no documents or other information indicating that the company ever disposed or arranged for disposal of any hazardous substances, pollutants or contaminants at the Himco site. In September, 2000, W.C Blanton, legal counsel for Dura Automotive Systems, Inc., a member of the Himco PRP Group, sent me copies of pages identified as Himco ledger sheets. These ledger sheets reference only two disposal charges for Indiana Michigan Power Company, one charge of \$7 on January 7, 1974, and another disposal charge of \$8 on March 1, 1974. (There are two additional references to the company in the ledger sheets, but no indications of pickups for disposal.). These two disposal charges do not provide an adequate basis for concluding that the company disposed of any hazardous substances, pollutants or contaminants at the Himco site.

The May 22, 1989 CERCLA §104(e) response further stated that Indiana Michigan Power Company purchased a 3.8 acre parcel of land adjacent to the landfill in January, 1974, but to the best of the company's knowledge no hazardous substances, pollutants or contaminants were stored or disposed on that 3.8 acre parcel by the company or the previous parcel owners.

Indiana Michigan Power Company's position remains that U.S. EPA has not provided a sufficient basis for issuing the company a General Notice of Liability for the Himco site. We request that U.S. EPA either substantiate a reasonable legal and factual basis for its allegations, or withdraw the May 29, 2003 General Notice of Liability issued to Indiana Michigan Power Company.

Feel free to contact me to further discuss this matter.

Sincerely,



Kevin D. Mack
Counsel for Indiana Michigan Power Company

cc: Larry L. Johnson, Associate Regional Counsel, U.S. EPA, Region V

jm
6/24/03